

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SILVESTRE B. CUEVAS,

Plaintiff,

v.

**2:08 CV 16
(Maxwell)**

**DEPT. OF JUSTICE, BUREAU
OF PRISONS, USP-HAZELTON
and JOE DRIVER,**

Defendants.

ORDER

It will be recalled that on January 17, 2008, *pro se* Plaintiff Silvestre B. Cuevas filed a civil rights complaint against the above-named Defendants. In his complaint, the Plaintiff requests that the Court direct the Bureau of Prisons and the Immigration and Customs Enforcement Agency to separate the Plaintiff from all other inmates throughout his incarceration. Additionally, the Plaintiff seeks compensatory damages due to his infection with Hepatitis A and the psychological distress he alleges was inflicted upon him by Bureau of Prisons' staff.

It will further be recalled that the case was referred to United States Magistrate Judge John S. Kaull in accordance with Rule 83.01 of the Local Rules of Prisoner Litigation Procedure and 28 U.S.C. § 1915(e).

On April 7, 2008, United States Magistrate Judge John S. Kaull issued an Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief wherein he recommended that the Plaintiff's request for injunctive relief be denied.

In his Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief, Magistrate Judge Kaull provided the parties with ten (10) days from the date of service of said Opinion/Report And Recommendation in which to file objections thereto and advised the parties

that a failure to timely file objections would result in the waiver of their right to appeal from a judgment of this Court based upon said Opinion/Report And Recommendation.

The Court's review of the docket in the above-styled action has revealed that no objections to Magistrate Judge Kaull's April 7, 2008, Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief have been filed and that this matter is now ripe for review.

Upon consideration of Magistrate Judge Kaull's April 7, 2008, Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief, and having received no written objections thereto¹, it is

ORDERED that the Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief entered by United States Magistrate Judge John S. Kaull on April 7, 2008, be, and the same is hereby, **ACCEPTED** in whole and the Plaintiff's request for injunctive relief be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

ORDERED that the Plaintiff's Motion For Temporary Injunction (Docket No. 5) be, and the same is hereby **DENIED**.

The Clerk of Court is directed to transmit copies of this Order to the *pro se* Plaintiff and to counsel of record for the Defendants.

ENTER: July 25 , 2008

/S/ Robert E. Maxwell
United States District Judge

¹The failure of a party to file an objection to a Report And Recommendation waives the party's right to appeal from a judgment of this Court based thereon and, additionally, relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).